

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
OLIVIA RUX, et. al.,

Petitioners,

Case No. 08 Civ. 6588 (AKH)

-against-

ABN-AMRO BANK N.V., AMERICAN
EXPRESS BANK LTD., BANK OF NEW YORK,
BANK OF CHINA, CITIBANK, N.A.,
DEUTSCHE BANK A.G., HSBC BANK USA,
N.A., and JPMORGAN CHASE BANK, N.A.,

Respondents.
-----X

JPMORGAN CHASE BANK, N.A.,

Third-Party Petitioner,

-against-

THE REPUBLIC OF SUDAN, et. al.

Third-Party Respondents.
-----X

**AFFIRMATION OF THOMAS
BREHLER IN SUPPORT OF
KfW BANK'S OBJECTION
TO TURNOVER OF
BLOCKED FUNDS**

THOMAS BREHLER, affirms under penalty of perjury as follows:

1. I am First Vice President of KfW BANK (hereinafter "KfW"), and have personal knowledge of the matters stated herein.
2. I make this affirmation in support of KfW's Objection to the turnover to Petitioners of blocked assets belonging to KfW that were held in accounts at JPMORGAN CHASE BANK, N.A. (hereinafter "JPMCB").
3. KfW is a public law institution established under the laws of the Federal Republic of Germany with its statutory seat in Frankfurt, Germany.

4. KfW maintains a bank account with JPMCB in New York.

5. On or about April 29, 2005, JPMCB blocked a wire transfer in the amount of \$150,000.00 from KfW's account with JPMCB in New York (the "Blocked Funds").

6. Attached hereto as Exhibit A is a true copy of JPMCB's advice regarding the Blocked Funds.

7. The particulars of the blocked wire are set forth below:

| | |
|--------------------|--|
| Originator: | KfW Frankfurt |
| Originating Bank: | KfW Bakengruppe |
| Value Date: | 29-APR-05 |
| Amount: | USD 150,000.00 |
| Beneficiary Bank: | Fortis Bank (Nederland) NV, Amsterdam |
| Beneficiary: | Aircraft Financing and Trading BV |
| Wire Instructions: | Remarketing fee with respect to the sale of MSN20247 (aircraft) to Sudan Airways |

8. The Blocked Funds were intended for Aircraft Financing & Trading B.V. ("AFT"), a Dutch company with its registered seat in Amsterdam, Netherlands, and are payable to AFT pursuant to a certain agreement among AFT, DaimlerChrysler Aerospace AG and KfW dated October 22, 2002 (hereinafter the "Technical Assistance Agreement").

9. A true and correct copy of AFT's invoice dated April 22, 2005, addressed to KfW is attached hereto as Exhibit B.

10. Neither the Government of Sudan nor any other blocked entity is a party to the Technical Assistance Agreement.

11. The Blocked Funds are the sole property of KfW.

12. The Blocked Funds are not the property of the Government of Sudan, Sudan Airways, or any other blocked entity, and no blocked entity, including the Government of Sudan, has any interest in the Blocked Funds.

13. Neither KfW nor AFT are agents or instrumentalities of the Government of Sudan, Sudan Airways, or any other blocked entity, and, on information and belief, AFT is beneficially owned entirely by persons who are citizens of the Netherlands.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: November 6, 2008
Frankfurt, Germany



THOMAS BREHLER

EXHIBIT A

29/04/05-15:24:00

RWa5R771-1797-000001

1

Instance Type and Transmission

Original received from SWIFT

Priority : Normal

Message Output Reference : 1523 050429KFWIDEFFAXXX3881608877

Correspondent Input Reference : 0923 050429CHASUS33DXXX1688720263

Message Header

Swift OUTPUT : FIN 199 Nachricht mit freiem Text

Sender : CHASUS33XXX

JPMORGAN CHASE BANK, N.A.

NEW YORK, NY US

Receiver : KFWIDEFFXXX

KREDITANSTALT FUR WIEDERAUFBAU

FRANKFURT AM MAIN DE

Message Text

20: Referenz der Transaktion

JPM2891-29APR05

21: Zugehoerige Referenz

6938200119JS

79: Freier Text

PLEASE REFER TO YOUR SWIFT PAYMENT ORDER
 DATED 04/29/05 DATED 04/29/05 FOR USD 150,000.00
 VALUE 04/29/05 PLEASE BE ADVISED JPMORGAN CHASE
 BANK, N.A. IS REQUIRED UNDER THE U.S. TREASURY
 DEPT. ASSET CONTROL REGULATIONS TO HOLD THE USD
 150,000.00 DUE TO THE REFERENCE SUDAN
 AIRWAYS

THIS REFERENCE MAY BE ASSOCIATED WITH
 SUDAN SANCTIONS. IT

APPEARS ON A DESIGNATED BLOCK LIST PROVIDED BY
 THE U.S. TREASURY'S OFFICE OF FOREIGN ASSETS
 CONTROL. THE FUNDS ARE NOW IN A JPMORGAN CHASE
 BANK, N.A. BLOCKED ACCOUNT. WE CANNOT RELEASE THE
 FUNDS TO THE BENEFICIARY NOR CAN WE RETURN FUNDS
 BACK TO YOU UNLESS YOU OBTAIN A LICENSE FROM THE
 TREASURY OFFICE. IN ORDER TO OBTAIN THIS LICENSE
 YOU SHOULD APPLY TO THE FOLLOWING ADDRESS.
 OFFICE OF THE FOREIGN ASSETS CONTROL U.S.
 DEPARTMENT OF THE TREASURY 1500 PENNSYLVANIA
 AVENUE N.W. WASHINGTON, D.C. 20220 ATTENTION MR.
 RICHARD NEWCOMB TELEPHONE NO. (202) 622-2500
 HOPING THIS WILL ASSIST YOU IN THIS MATTER
 REGARDS, JPMORGAN CHASE BANK, N.A. JACQUELINE
 HO-KOON OUR REFERENCE JPM2891-29APR05.

Message Trailer

{MAC:9EEE8B1E}

{CHK:/FDDFA4E8E8D}

EXHIBIT B

Original

| | | | | | |
|---------------------|--|--|--|--|--|
| | | | | | |
| 25.04.2005 09:24 | | | | | |
| KfW Poststelle Ffm. | | | | | |

Copy

AFT

Kreditanstalt für Wiederaufbau
Palmengartenstrasse 5-9
60325 Frankfurt am Main
Germany

Attn. : Mr. Thomas Brehler - KfW IPEX Bank Aviation Finance X2b

INVOICE

No. : 25002108
Date : April 22, 2005
our reference : HC
direct phone : +31 20 430 7025

Ref : Article 5 (A) of Technical Assistance and
Remarketing Agreement dated 22 October, 2002

Subject : Fee in respect of sale of one (1) Fokker 50 aircraft
msn 20247 to Sudan Airways

We herewith charge you for the above mentioned fee

USD 150,000.00

KfW's VAT No. : DE 114104280

| | | | |
|----------------|------------|------------|-------------------|
| Subtotal | : | USD | 150,000.00 |
| VAT 00.0% over | 150,000.00 | : | 0.00 |
| VAT 19.0% over | 0.00 | : | 0.00 |
| TOTAL | : | USD | 150,000.00 |

Please effect settlement immediately

AIRCRAFT FINANCING & TRADING B.V.

FortisBank Nederland N.V. no. 64.21.67.427, Amsterdam, the Netherlands
IBAN: NL48FT080642167427
BIC / SWIFT code: FTSBNL2R

address: Atlas Office Center, Hoogoorddreef 7, 1101 BA Amsterdam Zuidpoort, the Netherlands
postal address: P.O. Box 12191, 1100 AD Amsterdam Zuidpoort, the Netherlands

domiciled in Amsterdam
trade register Amsterdam no. 33.171.650
VAT number: NL 8029.19.698.B01
telephone : +31 20 430 7000
teletax : +31 20 480 7008
e-mail : info@aft-amsterdam.com